I

111TH CONGRESS
1ST SESSION

H. R. 2211

To facilitate planning, construction, and operation of a secure national clean energy grid.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. INSLEE introduced the following bill; which was referred to the Committee on Energy and Commerce

---

A BILL

To facilitate planning, construction, and operation of a secure national clean energy grid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Clean Energy Superhighways Act of 2009''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) electricity produced from renewable resources helps to reduce greenhouse gas emissions, and limits emissions of other pollutants regulated

pursuant to the Clean Air Act, enhances national clean energy superhighway, and provides substantial economic benefits;

(2) the lack of adequate electric transmission capacity is one of the primary obstacles to the development of electric generation facilities fueled by renewable energy resources;

(3) it is in the national interest for the Federal Government to implement policies that will enhance the amount of electric transmission capacity available to take full advantage of the Nation's renewable energy resources to generate electricity; and

(4) existing transmission planning processes are fragmented across many jurisdictions, which results in difficult coordination between jurisdictions, delays in implementation of plans, and complex negotiations on sharing of costs.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) In order to increase the production of electricity from renewable energy, to enhance the performance and efficiency of the Nation's electric power network, and to improve its security and reliability, it is the purpose of this Act to facilitate the establishment of a sustainable transmission grid con-

sisting of long-distance, extra-high voltage transmission lines constructed to cost effectively deliver remote clean energy generation resources to markets while improving system efficiency and reliability, and such additional transmission lines as are needed to connect renewable energy generators into this extra-high voltage grid.

(2) To facilitate the widespread deployment of modern grid technology as part of the national infrastructure for electricity transmission, in order to support improved electricity grid operation and control, enhance grid reliability and integration of renewable generation resources, and support the deployment of new technologies.

TITLE I—SUSTAINABLE TRANSMISSION GRID

SEC. 101. PLANNING, CONSTRUCTION, AND OPERATION OF SUSTAINABLE TRANSMISSION GRID.

(a) AMENDMENT OF FEDERAL POWER ACT.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 216 the following new section:

"SEC. 216A. SUSTAINABLE TRANSMISSION GRID.

''(a) DEFINITIONS.—For purposes of this section:

''(1) STG.—The term 'STG' means the sustainable transmission grid.

''(2) STG PROJECT.—The term 'STG project' means a project designated in an STG plan to construct an STG transmission line on a new or existing right-of-way after the date of enactment of this section.

''(3) STG PLAN.—The term 'STG plan' means a transmission plan accepted or prescribed by the Commission under subsection (b).

''(4) STG TRANSMISSION LINE.—The term 'STG transmission line' means an overhead or underground transmission facility included in an STG plan, consisting of conductors or cables, towers, manhole duct systems, phase-shifting transformers, reactors, capacitors, substations, inverters, switching units, and any related facilities and equipment necessary for the proper operation of the transmission facility, that—

''(A) operates at or above a voltage of 345 kilovolts AC or DC;

''(B) is a renewable feeder line; or

''(C) is a necessary upgrade to an existing transmission facility.

''(5) RENEWABLE FEEDER LINE.—

"(A) IN GENERAL.—The term 'renewable feeder line' means a transmission line that—

"(i) operates at a voltage of 100 kilovolts or greater, and

"(ii) is identified in the applicable STG plan as a facility that connects 1 or more renewable energy generators directly or indirectly to transmission facilities described in paragraph (4)(A).

"(B) INCLUSION.—The term 'renewable feeder line' includes an upgrade to an existing transmission line necessary for interconnection to a new transmission line described in subparagraph (A).

"(6) STG COSTS.—The term 'STG costs' means capital and operating costs incurred by any entity for planning, development, and operation of a project certificated under subsection (d).

"(7) LOAD-SERVING ENTITY.—The term 'load-serving entity' means a person or Federal, State, or local instrumentality (including an entity described in section 201(f)) that delivers electric energy to end-use customers.

"(8) MULTISTATE TRANSMISSION AUTHORITY.—The terms 'Multistate Transmission Author-

ity' and 'MTA' mean a multistate transmission planning organization established pursuant to subsection (b).

''(9) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from—

''(A) solar energy, wind, landfill gas, renewable biogas, or geothermal energy;

''(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing nonhydroelectric project if—

''(i) the hydroelectric project installed on the nonhydroelectric dam—

''(I) is licensed by the Commission; and

''(II) meets all other applicable environmental, licensing, and regulatory requirements, including applicable fish passage requirements;

''(ii) the nonhydroelectric dam—

''(I) was placed in service before the date of enactment of the National Clean Energy Superhighways Act of 2009;

''(II) was operated for flood control, navigation, or water supply purposes; and

''(III) did not produce hydroelectric power as of the date of enactment of the National Clean Energy Superhighways Act of 2009; and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving the environmental quality of the affected waterway, as certified by the Commission;

''(C) hydrokinetic energy, including—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

''(ii) free-flowing water in rivers, lakes, and streams;

''(iii) free-flowing water in man-made channels, including projects that use non-mechanical structures to accelerate the

flow of water for electric power production purposes; or

''(iv) differentials in ocean temperature through ocean thermal energy conversion; or

''(D) electricity that is generated from the combustion of the biogenic portion of municipal solid waste materials from facilities that comply with the maximum pollutant emissions standards established by the Administrator of the Environmental Protection Agency.

''(b) PLANNING BY MULTISTATE TRANSMISSION AUTHORITIES.—

''(1) ESTABLISHMENT OF MTAS.—

''(A) AUTHORITY TO ESTABLISH.—The Congress hereby authorizes the States comprising the Eastern interconnection and the States comprising the Western interconnection to establish, in accordance with rules established under subparagraph (B), one or more interconnection-wide multistate transmission planning authorities ('MTAs'), within the Eastern and Western interconnections, respectively. Such States may establish an MTA by agree-

ment of the States comprising the region concerned.

''(B) REQUIREMENTS FOR CERTIFICATION OF MTA.—The Commission shall, by rule promulgated within 180 days after the date of enactment of this section, specify appropriate organizational and procedural requirements for the MTAs established under this section, including each of the following:

''(i) A governance structure that ensures that each State in the interconnection will be represented on the MTA.

''(ii) An open, transparent, and participatory STG planning process, including public hearings, that furthers the purposes of this section and solicits input from load-serving entities, Federal transmitting utilities, transmission owners, regional transmission organizations, independent system operators, State energy, environment, natural resources, and land management agencies and commissions, Indian tribes, electricity generators, prospective developers of new transmission

and generation resources, regional reliability organizations, and the public.

''(iii) A requirement that the MTA will have the capability of exercising STG planning functions for the entire interconnection, including identifying acceptable corridors for planned transmission projects based on the planning process described in paragraph (3).

''(iv) A mechanism that assures that the MTA will have adequate resources available to undertake its planning activities (taking into account amounts made available pursuant to paragraph (8), which may include imposition of a reasonable charge on load-serving entities in the interconnection.

''(v) Such other requirements as it determines necessary to assure that each MTA is capable of undertaking the planning described in paragraphs (3) and (4) for the region concerned.

''(2) CERTIFICATION OF MTA.—The Commission shall, by rule, establish procedures governing submission and consideration of applications for cer-

tification of an MTA within a region. The final rule establishing such procedures shall be issued within 180 days of the date of enactment of this section. The Commission shall certify an MTA upon application if it finds that the application satisfies such procedures and the requirements established pursuant to paragraph (1).

''(3) MTA PLANNING FUNCTIONS.—

''(A) DEVELOPMENT OF BIENNIAL STG PLAN.—Each MTA shall exercise STG transmission planning functions for its respective region and produce a biennial STG transmission plan. The STG plan shall identify needed STG projects. In assessing need for STG projects, the MTA shall take into consideration—

''(i) transmission infrastructure required for efficient and reliable delivery of the output of new renewable generation resources needed to satisfy State and Federal renewable energy policies and targets;

''(ii) changes in generation patterns expected to result from greenhouse gas emission policy;

''(iii) changes in demand expected to result from energy efficiency, distributed

generation, energy storage, and demand-side management programs;

"(iv) opportunities for grid upgrades to enhance grid reliability, security, and efficiency on the existing transmission system;

"(v) areas listed under paragraph (C); and

"(vi) other relevant factors.

In developing the STG plan for an interconnection, the MTA shall build on planning undertaken by the Commission, regions, States, Federal transmitting utilities, regional transmission organizations, load-serving entities, independent system operators, utilities, regional reliability entities, and other parties in the interconnection; and cooperate and coordinate across regions to harmonize regional electric grid planning with planning in adjacent or overlapping jurisdictions, to the maximum extent feasible.

"(B) INTERIM PLANNING DECISIONS.—The MTA shall maintain a process for expeditiously evaluating whether new renewable feeder lines proposed between the 2-year planning cycles should be added to the approved STG plan.

''(C) AREAS TO AVOID.—MTA planning shall identify (in consultation with Federal and State land agencies, environmental groups, and Indian tribes) appropriate areas to be avoided in siting of STG projects, to the maximum extent practicable, including—

''(i) national parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System;

''(ii) designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics;

''(iii) national historic sites and historic parks;

''(iv) inventoried roadless areas and significant noninventoried roadless areas within the National Forest System;

''(v) national monuments;

''(vi) national conservation areas;

''(vii) national wildlife refuges and areas of critical environmental concern;

''(viii) national historic and national scenic trails;

''(ix) areas designated as critical habitat;

''(x) national wild, scenic, and recreational rivers;

''(xi) any area in which Federal law prohibits energy development; and

''(xii) any area in which applicable State law or Indian tribal code enacted prior to the date of enactment of this Act prohibits transmission development.

''(4) COORDINATION.—Each MTA shall, in the development of its STG plan, coordinate as appropriate with planning authorities and other interested parties in Canada, Mexico, ERCOT, and the other interconnection.

''(5) SUBMISSION AND REVIEW OF PLANS.—(A) Each MTA shall submit to the Commission an initial STG plan within 1 year of the certification of the MTA. Each MTA shall submit an update to its STG plan not later than 2 years after submission of the initial plan and every 2 years thereafter.

''(B)(i) The Commission shall provide an opportunity for public comment on each plan submitted by an MTA.

''(ii) The Commission may modify or reject a plan as necessary to achieve the purposes of this section. If the Commission modifies or rejects a plan, not later than 90 days after the date the plan is submitted by the MTA, the Commission shall provide a written opinion to the MTA that contains the facts and reasons supporting the action of the Commission.

''(iii) If the Commission rejects a plan, the MTA may submit a revised plan within 90 days of the Commission's rejection.

''(iv) If the Commission determines that a plan meets the purposes of this section, the Commission shall be treated as accepted.

''(6) BACKUP COMMISSION PLANNING AUTHORITY.—In the event that no MTA for the Eastern or Western Interconnection is certified by the Commission within 1 year of the date of enactment of this section, or in the event that a certified MTA does not timely submit an initial plan or updated plan as required under paragraph (5), the Commission shall immediately undertake the planning activities described in paragraphs (3) and (4) and develop a plan for such interconnection within 1 year of initiating

such planning activities, in consultation with all affected States within the region, as appropriate.

''(7) MULTIPLE MTAS.—

''(A) IN GENERAL.—Notwithstanding paragraph (6), if more than 1 MTA is certified in an Interconnection, the MTA shall ensure that the submitted plan integrates with the other plans in the Interconnection.

''(B) MODIFICATION.—The Commission shall modify the plans submitted under paragraph (5), as necessary, to ensure that plans established under this section are integrated.

''(C) BACKUP PLANNING FOR MULTIPLE MTAS.—In the event that any State or group of States does not participate in a certified MTA process, the Commission shall assume planning responsibilities on behalf of such State or group of States, consistent with the authorities under paragraph (6).

''(8) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE STG PLANNING.—

''(A) IN GENERAL.—An MTA and a participating State shall be permitted to recover prudently incurred costs to carry out the planning activities required under this subsection

pursuant to a Federal transmission surcharge that shall be established by the Commission in accordance with this paragraph for the purposes of carrying out this section.

''(B) SURCHARGE PROPOSALS.—An MTA shall—

''(i) propose a Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

''(ii) adjust the formula and surcharge on an annual basis.

''(C) COST RESPONSIBILITY.—Cost responsibility under each surcharge shall be assigned based on energy usage to all load-serving entities covered by the MTA.

''(D) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this paragraph shall not exceed $80,000,000 for any calendar year.

''(c) COST ALLOCATION.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to ensure that the costs of STG projects are borne widely by all beneficiaries of

new transmission and are not borne disproportionately by ratepayers or generators in specific areas; and

''(B) to promote the national interest in an STG project in accordance with the purposes of this section.

''(2) SUBMISSION.—In conjunction with the submission of a transmission plan under subsection (b)(5), all MTAs within an Interconnection may submit jointly a single integrated Interconnection-wide cost allocation methodology to the Commission for allocating the STG costs under this section.

''(3) ACTION BY COMMISSION.—Not later than 120 days after the date of receipt of a proposed cost allocation methodology submitted under paragraph (2), the Commission shall—

''(A) provide notice and an opportunity for a hearing;

''(B) evaluate the proposal; and

''(C)(i) approve the proposal if the Commission finds that the proposed cost allocation would result in just and reasonable rates that promote the purposes of this section (including this subsection); or

"(ii) reject or modify the proposed cost allocation if the Commission finds that the proposed cost allocation does not result in just and reasonable rates that promote the purposes of this section (including this subsection).

"(4) RESUBMISSION.—

"(A) IN GENERAL.—If the Commission rejects the proposed cost allocation plan under paragraph (3)(C)(ii), the Commission shall specify the basis for its findings that the proposed methodology would not result in just and reasonable rates that promote the purposes of this subsection.

"(B) RESUBMISSION.—Not later than 90 days after the date of the rejection, the MTAs may submit to the Commission a revised cost allocation methodology for the interconnection under this subsection.

"(C) MODIFICATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of resubmission of a proposed cost allocation methodology the Commission shall approve, modify, or reject the resubmitted proposal as necessary to achieve the purposes of this section.

''(ii) OPINION.—If the Commission modifies or rejects a resubmitted proposal, the Commission shall specify the basis for its findings that the proposed methodology would not result in just and reasonable rates that promote the purposes of this section.

''(5) COMMISSION ALLOCATION OF COSTS.—If the MTAs do not submit an Interconnection-wide cost allocation plan within the time periods specified in paragraphs (2) and (4) or if the Commission does not approve a cost allocation methodology submitted by the MTA for an Interconnection, the Commission shall allocate the STG costs to all of the load-serving entities in the Interconnection on a load-ratio share basis.

''(6) COST ALLOCATION RATE FILINGS.—If a cost allocation methodology is approved by the Commission in accordance with this subsection—

''(A) any public utility that has rates that are affected by the approved cost allocation methodology shall file the allocation methodology with the Commission pursuant to section 205; and

''(B) the cost allocation methodology shall be presumed lawful under section 205 on filing, without notice or further opportunity for comment or hearing.

''(7) APPLICABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the authority of the Commission under subsections (b) and (c) to approve transmission plans and to allocate costs incurred pursuant to the plans applies to all transmission providers, generators, and users, owners, and operators of the power system within the Eastern and Western Interconnections of the United States, including entities described in section 201(f).

''(B) REGIONAL PLANNING ENTITIES.—The Commission shall have authority over regional planning entities to the extent necessary to carry out subsections (b) and (c).

''(C) EXCLUSIONS.—(i) This subsection does not apply in the State of Alaska or Hawaii or to the ERCOT, unless the State or ERCOT voluntarily elects to participate in a cost allocation methodology under this section.

''(ii) A project for which a cost allocation or cost recovery agreement was accepted by the Commission before the date of enactment of this part shall not be included in cost allocation under this section.

''(D) CREDIT FOR REVENUES.—Transmission revenues shall be applied as a credit to the initial allocation of STG costs.

''(d) CERTIFICATION AND SITING OF STG PROJECTS.—

''(1) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

''(A) REQUIREMENT OF CERTIFICATE.—No public utility, or person which will be a public utility upon completion of any proposed action, shall—

''(i) construct any STG project, or

''(ii) modify an STG project previously certificated under this subsection,

unless there is in force with respect to such public utility a certificate of public convenience and necessity issued by the Commission authorizing such acts or operation.

''(B) ELECTIVE COVERAGE.—If any entity described in section 201(f) proposes to con-

struct an STG project, such entity may elect, in such manner as the Commission may prescribe by rule, to have this subsection apply to such project.

''(2) APPLICATION FOR CERTIFICATE.—(A) Any person seeking to construct an STG project identified by an MTA may apply to the Commission for a certificate of public convenience and necessity for that project.

''(B) Application for a certificate under this subsection shall be made in writing to the Commission, and shall be in such form, contain such information, and notice thereof shall be served upon such interested parties (including State Commissions), in such manner as the Commission shall, by rule, require. The Commission shall set the matter for hearing and shall give notice of the hearing to interested persons. The Commission shall approve or deny the application in accordance with the procedure provided in paragraph (3).

''(3) GRANT OF CERTIFICATE.—The Commission may approve or deny a certificate under this subsection for construction of an STG project. A certificate issued under this subsection shall authorize the whole or any part of the operation, construc-

tion, acquisition, or modification covered by the application. The Commission shall issue the certificate if the Commission finds that the applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of this Act and rules of the Commission hereunder, and that the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity. In evaluating certificate applications that feature joint ownership projects by multiple load-serving or wholesale entities, the Commission shall consider benefits from the greater diversification of financial risk inherent in the applications. The Commission shall have the power to attach to the issuance of the certificate, and to the exercise of the rights granted thereunder, such reasonable terms and conditions as the public convenience and necessity may require. Designation of an STG project in the STG plan shall constitute sufficient evidence that a public need exists for the project.

''(4) STATE RECOMMENDATIONS ON RESOURCE PROTECTION AND ROUTING.—(A) In order to protect, and mitigate damages to, natural resources af-

fected by the development and operation of an STG project, each certificate issued under this subsection shall include conditions for such protection or mitigation, including recommendations related to project routing. Subject to subparagraph (B), such conditions shall be based on recommendations received from State environment, land management, and natural resource agencies.

''(B) Whenever the Commission believes that any recommendation referred to in subparagraph (A) may be inconsistent with the purposes and requirements of this Act or other applicable law, the Commission and the agencies referred to in subparagraph (A) shall attempt to resolve any such inconsistency, giving due weight to the recommendations, expertise, and statutory responsibilities of such agencies. If, after such attempt, the Commission does not adopt in whole or in part a recommendation of any such agency, the Commission shall publish in the Federal Register each of the following findings (together with a statement of the basis for each of the findings):

''(i) A finding that adoption of such recommendation is inconsistent with the purposes

and requirements of this Act or with other applicable provisions of law.

"(ii) A finding that the conditions selected by the Commission comply with the requirements of the first sentence of subparagraph (A).

"(5) EMISSIONS STANDARD FOR INTERCONNECTION.—

"(A) RULE.—Any certificate issued under paragraph (3) for construction of an STG transmission line described in subsection (a)(4)(A) or (B) shall incorporate a condition that prohibits the direct interconnection to the STG transmission line by any electricity generator that has a greenhouse gas emission rate (in tons of CO_2 equivalent per megawatt-hour) greater than that of a single-cycle natural gas-fired combustion turbine, as determined by rule by the Commission.

"(B) SUNSET.—Any certificate conditions adopted pursuant to subparagraph (A) shall become inapplicable upon the full implementation of a Federal greenhouse gas regulatory program applicable to the electricity sector.

"(6) RIGHT OF EMINENT DOMAIN.—When any holder of a certificate issued under paragraph (3) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain the project to which the certificate relates, and the necessary land or other property necessary to the proper operation of such project, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated. Nothing in this section shall be construed to allow the holder of a certificate under paragraph (3), or any other person or entity, to acquire by the exercise of eminent domain any property that constitutes 'Indian country' under section 1151 of title 18, United States Code, or that is otherwise subject to a Federal restriction against alienation, without the express written consent of the ap-

plicable Indian tribe, tribal organization, and/or Indian landowner.

''(7) APPLICABILITY OF SECTION 216.—The provisions of section 216(h) and section 216(j) shall apply to each STG project for which a certificate is issued under this section in the same manner and to the same extent as those provisions apply to projects covered by section 216. Except for section 216(h) and section 216(j), section 216 shall not apply to any new STG project to which paragraph (1)(A) of this subsection applies, or to any project as to which an election has been made under paragraph (1)(B).

''(8) FEDERAL AGENCY COORDINATION.—

''(A) RIGHTS-OF-WAY ON FEDERAL LANDS.—With respect to any STG project, the functions under section 216(h) of this Act of the Department of Energy and the Secretary of Energy shall be exercised by the Commission in coordination with the affected land management agency.

''(B) NEPA REVIEW.—With respect to any STG project, the Commission shall be the lead Federal agency for purposes of Federal environmental review and, in consultation with affected agencies, shall prepare a single environmental

review document that would be used as the basis for all decisions under Federal law related to the proposed project.

''(e) LONG-TERM TRANSMISSION RIGHTS FOR RENEWABLE ELECTRICITY GENERATORS.—(1) It is the policy of the United States that long-term transmission rights, of firmness and duration sufficient to support generation investment (including project financing for new generation projects), shall be made available on reasonable terms and at reasonable cost to entities seeking to construct new generation facilities using renewable energy technologies.

''(2) The Commission shall exercise its authority under this Act to prescribe such rules as it determines necessary or appropriate to implement the policy established in paragraph (1) not later than 1 year after the date of enactment of this section, and may revise such rules from time to time. Such rules shall not interfere with existing long-term transmission rights of load-serving entities, or native load requirements established in section 217.

''(f) COORDINATED REGIONAL GRID OPERATIONS.—The Commission shall encourage methods and structures for grid operations to better accommodate renewable energy resources, including enhanced balancing arrange-

ments among balancing areas, expedited scheduling and dispatch, and improved renewable energy output forecasting.

''(g) PERIODIC REVIEW.—The Commission shall periodically evaluate whether STG projects identified in interconnection-wide STG plans are being timely constructed, and shall take such actions as are in its authority to address any identified obstacles to investment and construction, and shall make any recommendations to Congress on further action or authority needed to assure development of planned STG facilities.

''(h) GEOGRAPHIC SCOPE.—This section applies to the contiguous States and the District of Columbia, excluding the area referred to in section 212(k)(2)(A).''.

(b) CONFORMING AMENDMENT.—Section 201(b) of the Federal Power Act (16 U.S.C. 824) is amended by inserting ''216A'' after ''216'' in each place it appears.

SEC. 102. FEDERAL FINANCIAL ASSISTANCE TO MULTISTATE TRANSMISSION AUTHORITIES.

There are authorized to be appropriated to the Secretary of Energy, such sums as may be necessary to provide financial assistance for the establishment and operation of multistate transmission authorities under sections 216A(c) of the Federal Power Act.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. TRANSMISSION GRID PERFORMANCE STANDARDS.

For purposes of evaluating whether smart grid technology requirements for monitoring and control of new transmission facilities, smart grid technology retrofit requirements for monitoring and control of existing transmission facilities, or transmission grid performance requirements are in the public interest, the Secretary of Energy, after consultation with the Federal Energy Regulatory Commission, shall conduct an analysis and make recommendations on appropriate metrics for transmission grid performance covering both new and existing transmission grid facilities. This report shall be submitted to Congress within 1 year of the date of enactment of this Act.

○